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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,098	01/18/2002	Yuko Tsusaka	2002_0045A	6545

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/050,098	Applicant(s) TSUSAKA ET AL.	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/18/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah-Nazaroff et al (6,157,377)** in view of **Christopoulos et al (2001/0047517)**.

As to claims 1-3, note the **Shah-Nazaroff** figures 1-5, discloses method and apparatus for purchasing upgraded media features for programming transmissions and further discloses a contents distribution system (fig.1, 100) for distributing a content including video and/or music data from a contents distribution apparatus to a terminal device (Client System 110) via a network (Communications media 120), where the contents distribution apparatus (Broadcast Sources/Server System 'BS/SS' 130/140) comprises:

A content storage section (figs.1, 3, Broadcast Sources 'BS' 130) operable to store content and specific data concerning a predetermined specific effect (wide variety of audio, high or low video resolution or video quality, interactive effects, etc.,) to be applied to the content (col.2, lines 18-52, col.3, lines 59-67 and col.6, lines 15-48), the content and the specific data being stored as a pair;

A content management data setting section (Billing Server 'BS' 320) operable to set management data, where the management data at least contains a flag indicating

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whether or not to apply the predetermined special effect to the content during reproduction (col.2, lines 39-67, col.4, lines 15-25, line 61-col.5, line 43), and conditions of use which need to be satisfied (clients accounts or payment information) in order to reproduce the content without the predetermined special effect (col.5, lines 4-62); and

A transmission section (inherent to Server System 'SS' 140) operable to transmit the content, the specific data, and the management data to the terminal device (col.3, lines 7-33 and lines 59-67), where the terminal device (Client System 'CS' 110) comprise:

A reception section (fig.2, Tuner Interface 230) operable to receive the content, the specific data, and the management data from the transmission section (col.3, lines 7-44 and lines 59-67); and

Reproduction control section (fig.6, System Controller 'SC' 604) operable to reproduce the content with or without the predetermined special effect in accordance with the specific data and the presence or absence of the flag in the management data, and to reset the flag when the conditions of use contained in the management data are satisfied (col.6, lines 1-48, lines 49-57 and col.7, lines 20-53).

Shah-Nazaroff, further discloses a programming guide with various upgrade options and a client device which receives audio/video programming data from variety of sources with or without special effects (col.7, line 35-col.8, line 17), but fails to explicitly teach storing the content and the specific data as a pair and transmitting to the client device, where the client device stores the content and special effects data and

reproduces the content by applying the special effects data to the content in accordance with the type and the portion specified by the attribute data.

However, note the **Christopoulos** reference figures 1-5, discloses method and apparatus for intelligent transcoding of multimedia data and further teaches storing contents and hints or specific data as a pair and transmitting to a client device, where the client device, stores the content and hints for reproduction in accordance with the type and the portion specified by the attribute data (page 2, [0035-0036], [0039-0040], [0046] and [0048]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Christopoulos into the system of Shah-Nazaroff in order to allow the client device to store the content and hints and dynamically modify the content with the hints data if the status or conditions of the client devices changes without having to communicate upgrade features back to the server.

As to claims 4-5, Shah-Nazaroff, further discloses where the content distribution apparatus further comprises a content selection section operable to select, as the specific data, either special effects data which is generated based on information concerning a type of the predetermined special effect and a portion of the content to apply the predetermined special effect to, or attribute data consisting of the information concerning the type and the portion, such that the special effects data is selected for the terminal device having a relatively low processing ability and the attribute data is selected for the terminal device having a relatively high processing ability and associate flags necessary to upgrade the content with predetermined special effects (col.2, lines

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18-52), but fails to explicitly teach where the reproduction control section in the terminal device having a relatively low processing ability reproduces the content by applying the special effects data to the content base on the terminal capabilities and utilizing further data to generate special effects data in accordance with the type and the portion specified by the attribute data which are previously stored in the reproduction control section for realizing special effects and reproducing the content by applying the special effects data to the content.

However, Christopoulos further teaches a client device, which applies special effects to content based on the client's device capabilities as supplied by the client device (page 2, [0035-0036], [0039-0040], [0046] and [0048]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Christopoulos into the system of Shah-Nazaroff in order to provide service to various type of client devices based on their capabilities and furthermore apply the special effects to the content based on the client's device capabilities.

Claim 6 is met as previously discussed with respect to claim 1.

As to claim 7, Shah-Nazaroff further discloses where the contents distribution apparatus further comprises a distribution content reproduction confirmation section operable to reproduce for confirmation the content with or without the predetermined special effect in accordance with the flag in the management data set by the content management data setting section (col.6, lines 1-30).

As to claims 8-10, the claimed "A contents distribution method for distributing a content including video and/or music data..." is composed of the same structural elements that were discussed in the rejection of claims 1-3.

Claims 11-12 are met as previously discussed with respect to claims 4-5.

Claim 13 is met as previously discussed with respect to claim 6.

Claim 14 is met as previously discussed with respect to claim 7.

As to claims 15-17, the claimed "A contents distribution apparatus for distributing a content including video and/or music data..." is composed of the same structural elements that were discussed in the rejection of claims 1-3.

Claims 18-19 are met as previously discussed with respect to claims 4-5.

Claim 20 is met as previously discussed with respect to claim 6.

Claim 21 is met as previously discussed with respect to claim 7.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagashima et al (6,434,746) disclose accounting in an image transmission system based on a transmission mode and an accounting mode based on the transmission mode.

Linzer (6,323,914) discloses compressed video recording device with integrated effects processing.

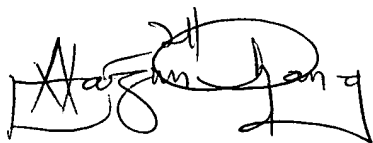
Nagashima et al (6,275,988) disclose image transmission apparatus, image transmission system and communication apparatus.

Craig (5,790,176) discloses media server for supplying video and multimedia data over the public switched telephone network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan Q. Shang